

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DATE FILED: 09/01/2020

ABM INDUSTRY GROUPS, LLC,

Petitioner,

**AMENDED JUDGMENT**

-against-

18-CIV-10770 (GHW)

INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 30, 30A, 30B, AFL-CIO,

Respondent.

—X—

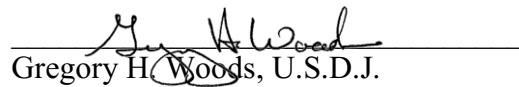
Petitioner ABM INDUSTRY GROUPS, LLC (“ABM” or “Petitioner”), seeks to confirm an arbitration award, annexed hereto as Exhibit “A”, obtained against Respondent INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 30, 30A, 30B, AFL-CIO (“LOCAL 30” or “Respondent”), which seeks to vacate the same arbitration award pursuant to Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185, and the matter having been brought before the Honorable Gregory H. Woods, United States District Judge, and the Court, on August 5, 2019, having issued its Memorandum Opinion and Order denying Petitioner’s request to confirm the arbitration award in part, and granting Respondent’s request to vacate the arbitration award in part; and the Clerk of the Court having issued a Judgment consistent with the Court’s Memorandum Opinion and Order dated August 5, 2019, and an appeal to the United States Court of Appeals for the Second Circuit having been taken, and the Court of Appeals having issued its Opinion and Order on July 29, 2020, reversing this Court, and remanding the case to this Court with instructions to grant Petitioner’s petition to confirm the arbitration award and to deny Respondent’s cross-motion to vacate the arbitration award, and to enter an amended judgment accordingly, and the Court of Appeals’ mandate having issued on August 19, 2020; it is,

**ORDERED, ADJUDGED AND DECREED:** Petitioner's petition to confirm the arbitration award is granted with the entry of judgment in conformity with the arbitration decision dated October 12, 2018, as annexed hereto as Exhibit "A" as follows: (1) Eugene Clerkin is directed to repay ABM the money overpaid to him by ABM in the amount of \$13,956.00; (2) John Phillip is directed to repay ABM the money it overpaid to him by ABM in the amount of \$7,583.19; (3) the arbitrator does not have jurisdiction over the Local 30 Benefit Funds and cannot demand any reimbursement to ABM; and (4) the arbitrator retains jurisdiction for the implementation of her award; and Respondent's cross-motion to vacate the arbitration award is hereby denied.

The Clerk of Court is directed to terminate the motions pending at Dkt Nos. 41 and 42.

**SO ORDERED.**

Dated: New York, New York  
September 1, 2020

  
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Gregory H. Woods, U.S.D.J.